



Introduced Version

**HOUSE CONCURRENT
RESOLUTION No. _____**

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging the United States government to cease and desist immediately any and all mandates that are beyond the scope of their constitutionally delegated power.

Koch

_____, read first time and referred to Committee on

20101407

2010

HC 1002/DI 84



HOUSE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION urging the United States government to cease and desist immediately any and all mandates that are beyond the scope of their constitutionally delegated power.

Whereas, The Tenth Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

Whereas, The Tenth Amendment defines the total scope of federal power as being those powers specifically granted to it by the Constitution of the United States and no more;

Whereas, Article One, Section Eight of the Constitution of the United States begins with, "The Congress shall have power to" and then proceeds to list delegated powers;

Whereas, Indiana is entitled by the Tenth Amendment of the Constitution of the United States to act upon all other responsibilities;

Whereas, In 2009, the states are demonstrably treated as agents of the federal government;

Whereas, Many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States and infringe upon Indiana's reserved powers;

Whereas, The United States Supreme Court has ruled in



New York v. United States, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, A number of federal proposals now being considered may further violate the Constitution of the United States and infringe upon Indiana's reserved powers: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

- 1 SECTION 1. That the Indiana General Assembly hereby claims
- 2 sovereignty under the Tenth Amendment to the Constitution of the
- 3 United States over all powers not otherwise delegated to the federal
- 4 government by the Constitution of the United States and demands the
- 5 federal government halt and reverse its practice of assuming powers
- 6 and of imposing mandates upon the states for purposes not enumerated
- 7 by the Constitution of the United States.
- 8 SECTION 2. That this resolution serves as a reminder to the federal
- 9 government of the balance of powers mandated by the Constitution of
- 10 the United States and request a cessation immediately of any and all
- 11 mandates that are beyond the scope of its constitutionally delegated
- 12 powers.
- 13 SECTION 3. That the Principal Clerk of the House of
- 14 Representatives transmit a copy of this resolution to the President of
- 15 the United States, the President of the United States Senate, the
- 16 Speaker of the United States House of Representatives, and each
- 17 member of the Indiana congressional delegation.

